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September 19, 2023

VIA ECF

The Honorable Denise L. Cote
United States District Court Judge
Southern District of New York
500 Pearl Street, Room 1910
New York, New York 10007

Re. *In Re: Acetaminophen – ASD–ADHD Products Liability Litigation*, Case No. 1:22-md-03043 (S.D.N.Y.) – Plaintiffs’ Letter in Response to the Court’s August 3, 2023 Order, Dkt. 805

This Document Relates To: All Cases

Dear Judge Cote:

Plaintiffs hereby provide “(1) their recommendation as to the order in which the Court should address any motions by the defendants to exclude an expert report from the plaintiffs’ experts; and (2) their contention as to which of the motions addressed to the parties’ expert reports are properly addressed together due to overlapping subject matter.” Dkt. 805.

Plaintiffs recommend that the Court address their reports in the following order: (1) Dr. Andrea Baccarelli; (2) Dr. Brandon Pearson; (3) Dr. Robert Cabrera; (4) Dr. Stan Louie; and (5) Dr. Eric Hollander. This will best ensure a logical progression through the various lines of evidence that Plaintiffs maintain, and Defendants dispute, support general causation.

Dr. Baccarelli is Chair of the Department of Environmental Health Services and a Professor of Epidemiology at Columbia University. His report identifies and analyzes the available human epidemiological evidence, including establishing an association and explaining why it is unlikely due to chance, bias, or confounding. That is an obvious place to begin. Because the human observations show that prenatal acetaminophen exposure is likely causing adverse neurodevelopmental outcomes, it makes sense to next consider *how* that may be occurring. Dr. Pearson, also at Columbia, is a toxicologist who lends his expertise to that question. He evaluates a wealth of preclinical data to identify plausible biological mechanisms of action.

Dr. Robert Cabrera’s report should follow. As a teratologist and geneticist at the Center for Precision Environmental Health, Department of Cellular and Molecular Biology at Baylor College of Medicine, his work draws on the human epidemiology and the preclinical data to contextualize both in support of the most likely explanation for the data: causation.

If various strands of evidence show that an agent is causing adverse outcomes, a next logical area of focus is approximately how much exposure increases the risk. Dr. Louie is a Professor of Clinical Pharmacy from the University of Southern California. His report assesses the dose response between prenatal use of acetaminophen and ASD and ADHD.

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Finally, Plaintiffs suggest the Court assess the real-world, varied presentations of ASD and ADHD as neurodevelopmental disorders. Dr. Eric Hollander is a Professor in the Department of Psychiatry and Behavioral Sciences at the Albert Einstein College of Medicine, and his report, offered with the background of a treating psychiatrist, provides expertise on the etiology of neurodevelopmental disorders and the plausible biological mechanisms that can create them.

Plaintiffs agree that, due to overlapping subject matter, the Court should address certain reports together. They suggest that the Court (1) view Dr. Baccarrelli's report alongside their motions to exclude Dr. Jennifer Pinto-Martin and Dr. Wendy Chung. Dr. Pinto-Martin is, like Dr. Baccarrelli, an epidemiologist, so the subject matter of their reports is unsurprisingly overlapping. Dr. Chung is a geneticist who attributes almost all presentations of ASD and ADHD to genetics, directly contesting Dr. Baccarrelli's evidence-based opinion that confounding, including genetic confounding, is an unlikely explanation. (2) Dr. Pearson's obvious counterpart on the Defense side is Dr. Craig Powell, who similarly focuses his report on preclinical data; (3) Dr. Cabrera, as the bridge between epidemiology and preclinical lines of evidence, should be viewed with Dr. Chung, Dr. Pinto-Martin, and Dr. Powell; (4) Dr. Louie's analysis of dose response is best contrasted with Dr. Mitchell McGill; and (5) Dr. Hollander's analysis is best compared with Dr. Stephen Faraone, a psychologist, and Dr. Alexander Kolevzon, who co-edited a book on ASD and co-authored several scientific articles on neurodevelopmental disorders with Dr. Hollander.

If the Court has any questions about Plaintiffs' recommendations, we are of course at your Honor's disposal. Thank you for your consideration.

Respectfully submitted,

/s/ Ashley Keller

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